

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

AMERICAN SUSTAINABLE BUSINESS
COUNCIL,

Plaintiff,

v.

Case No. 1:24-cv-01010-DII

GLENN HEGAR, in his official capacity as
Texas Comptroller of Public Accounts; and
KEN PAXTON, in his official capacity as
Attorney General of Texas,

Defendants.

**INTERIM STATUS REPORT AND
JOINT MOTION FOR BRIEFING SCHEDULE AND RELIEF FROM CERTAIN
DEADLINES**

Counsel for the Parties in the above-captioned matter respectfully file this interim status report ahead of the Court's telephonic status conference on November 14, 2024.

Counsel for Defendants, William H. Farrell, and counsel for Plaintiff, Ketan U. Kharod, Victoria Nugent, and Rachel Fried, met and conferred telephonically on November 1, 2024, to discuss an upcoming deadline for submitting a proposed scheduling order (presently due November 19, 2024) and Rule 26 report (presently due November 15, 2024), and anticipated motions practice.

Counsel believe that this matter may be resolved on Defendants' anticipated motion to dismiss or Plaintiff's anticipated motion for summary judgment and do not anticipate needing discovery before those motions are decided. The Parties thus respectfully seek relief from their obligations to (i) exchange initial disclosures pursuant to Fed. R. Civ. P. 26(a), (ii) complete their discovery conference and produce a discovery plan pursuant to Fed. R. Civ. P. 26(f), and

(iii) submit a proposed scheduling order pursuant to Fed. R. Civ. P. 16(b) until such time as their respective dispositive motions are decided.

Counsel also propose the following deadlines and page limits for briefing Defendants' anticipated motion to dismiss. Specifically, the Parties request that Defendants' answer or anticipated motion to dismiss Plaintiff's First Amended Complaint be filed on or before **November 25, 2024**, that Plaintiff's opposition to such a motion be filed on or before **December 20, 2024**, and that Defendants' reply be filed on or before **January 10, 2025**. The Parties have agreed to these dates in recognition of the number of public holidays in November and December. The Parties further request, in light of the number and complexity of the issues in this case, that Defendants be granted **25 pages** for their opening brief on their motion to dismiss, Plaintiff be granted **25 pages** for its opposing brief on this motion, and Defendants be granted **10 pages** for any reply. Plaintiff will be ready to discuss a schedule for briefing its anticipated motion for summary judgment at the status conference scheduled for November 14, 2024.

Proposed orders to this effect are attached.

Dated: November 8, 2024

Respectfully submitted,

Counsel for Defendants

Counsel for Plaintiff

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